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Dkt. 1584/65397

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Randy PRAGER, Peter SPARAGO, Stephen MARCAURELE and David GELERNTER

Serial No.: 09/892,385

Group Art Unit: 2177

Filed: June 26, 2001

Examiner: Kuen S. Lu

For: DESKTOP, STREAM-BASED, INFORMATION MANAGEMENT SYSTEM

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Paul Teng
Paul Teng
Reg. No. 40,837

December 16, 2004
Date

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

OFFICE OF PETITIONS
DEC 23 2004
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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Adjustment date: 05/17/2005 AXELLEY
12/21/2004 MBERHE 00000043 033125 09892385
01 FC:1253 1020.00 CR

Sir:

**PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)**

This Petition is submitted to revive the above-identified application under 37 C.F.R. §1.137(b).

An Office Action dated December 31, 2003 was issued by the United States Patent and Trademark Office (PTO) in connection with this application. A response to the December 31, 2003 Office Action was originally due March 31, 2004, with an extension of time of three month (i.e. until June 30, 2004) available.

A Notice Of Abandonment dated October 29, 2004 was issued by the PTO, indicating that this application became abandoned because no reply was received by the PTO to the December 31, 2003 Office Action. A copy of the October 29, 2004 Notice Of Abandonment is attached as **Exhibit A** hereto.

Since this Petition under 37 C.F.R. §1.137(b) is being submitted within two months of the

12/21/2004 MBERHE 00000043 033125 09892385
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October 29, 2004 Notice Of Abandonment, the Petition is being timely filed.

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in §120(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.

Required Reply

This Petition is being submitted concurrently with an Amendment in response to the December 31, 2003 Office Action and a Petition For Extension Of Time (of three months). Accordingly, it is believed that the required reply is being submitted herewith.

Petition Fee

The fee for a Petition under 37 C.F.R. §1.137(b) is \$1,500.00 and authorization is hereby given to charge the amount of this Petition fee to Deposit Account No. 03-3125. If any additional fee is required in connection with the filing of this Petition, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Statement That Delay Was Unintentional

An Assignment of this application by Randy Prager, Peter Sparago, Stephen MarcAurele and David Gelernter to Mirror World Technologies, Inc., 121 Whitney Avenue, Suite 102, New Haven, Connecticut 06510 was recorded by the PTO on June 5, 2002 at Reel 12970, Frame 0979. A copy of the Notice Of Recordation issued by the PTO is attached as **Exhibit B** hereto.

A Declaration Of Lou Nemeth is attached as **Exhibit C** hereto, containing a statement that the entire delay in filing the required reply, i.e. response to the December 31, 2003 Office

Action, until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

Terminal Disclaimer

Because this application was filed after June 8, 1995, 37 C.F.R. §1.137(c) does not require any terminal disclaimer to be filed.

In view of the foregoing, Applicant earnestly solicits an expeditious revival of the subject application.

Respectfully submitted,

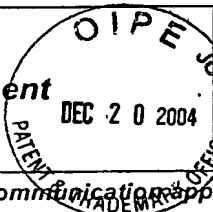


Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

65397

ISK

Notice of Abandonment



Application No.

09/892,385

Examiner

Kuen S Lu

a Lu

Applicant(s)

PRAGER ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

Petition to Revoke: 12/29/04 MPL

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 31 December 2003.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due. The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____. *MPL*
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

NOV - 2 2004

A telephone call was made to the Applicant's representative (Ivan Kavrukov, Registration No. 25,161) on 10/28/2004. No confirmation or response on the potential abandonment of the application was received.

Julia Wasson

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



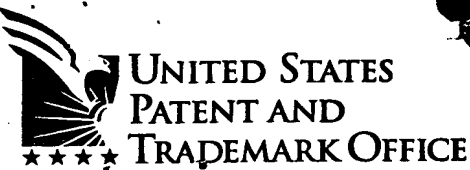
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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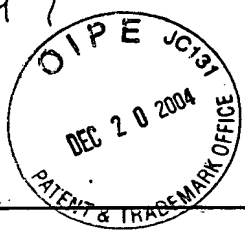
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,385	06/26/2001	Randy Prager	1584/65397	2918
23432	7590	10/29/2004	EXAMINER	
COOPER & DUNHAM, LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			LU, KUEN S	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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OFFICE OF PETITIONS

AUGUST 12, 2002

PTAS

Chief Information Officer
Washington, DC 20231
www.uspto.gov

COOPER & DUNHAM LLP
IVAN S. KAVRUKOV, ESQ.
1185 AVENUE OF THE AMERICAS AUG 19 2002
NEW YORK, N.Y. 10036

AP



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/05/2002

REEL/FRAME: 012970/0979
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
PRAGER, RANDY

DOC DATE: 04/23/2002

ASSIGNOR:
SPARAGO, PETER

DOC DATE: 04/23/2002

ASSIGNOR:
MARCAURELE, STEPHEN

DOC DATE: 04/23/2002

ASSIGNOR:
GELERNTER, DAVID

DOC DATE: 04/22/2002

ASSIGNEE:
MIRROR WORLDS TECHNOLOGIES, INC.
121 WHITNEY AVENUE, SUITE 102
NEW HAVEN, CONNECTICUT 06510

SERIAL NUMBER: 09892385
PATENT NUMBER:

FILING DATE: 06/26/2001
ISSUE DATE:

012970/0979 PAGE 2

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

DECLARATION OF LOU NEMETH

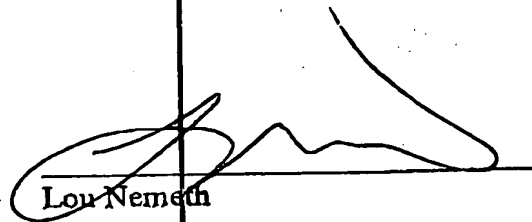
I, Lou Nemeth, hereby declare that:

1. I currently reside at 799 Whitney Avenue, New Haven, Connecticut 06511.
2. For the time period of April, 2001 through May, 2004, I was Senior Vice President, Research and Development, at Mirror World Technologies, Inc., 121 Whitney Avenue, Suite 102, New Haven, Connecticut 06510 ("MWT"). Amongst my many duties, I, on behalf of MWT, interfaced with MWT's patent counsel.
3. In or about January, 2004, I received a copy of an Office Action dated December 31, 2003 issued by the United States Patent and Trademark Office in connection with the above-identified application. After receiving the December 31, 2003 Office Action, I intended to provide Applicant's patent attorneys with instructions for responding to the Office Action. It is my understanding now that a response to the December 31, 2003 Office Action was originally due March 31, 2004.

4. However, I inadvertently lost track of the due date for responding to the December 31, 2003 Office Action, and unintentionally did not provide Applicant's patent attorneys with instructions for responding to the Office Action, before the due date for responding to the Office Action.
5. The entire delay in filing Applicant's response to the December 31, 2003 Office Action, upto the filing of the petition with which this Declaration is being submitted concurrently to revive the application, was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/16/07


Lou Nemeth